

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Al-Tericke Praylow,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No. 0:11-407-TLW-PJG
	)	
Warden of Kershaw Correctional Institution,	)	
	)	
Respondent.	)	<b>ORDER</b>
	)	
	)	
	)	

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Petitioner Al-Tericke Praylow, (“Petitioner”), brought this civil action, *pro se*, construed as a petition pursuant to 28 U.S.C. § 2241 on February 18, 2011. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that Respondent’s Motion for Summary Judgment be granted, that the Petitioner’s Petition be denied, and that Petitioner’s Motion to Transfer be terminated as moot. (Doc. # 23). Petitioner filed objections to the Report. (Doc. # 25).<sup>1</sup> In conducting its review, the Court therefore applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the

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<sup>1</sup> Petitioner incorrectly filed his objections to the Magistrate Judge’s Report under Civil Case No. 0:11-3280. (Doc. # 8 in that case). This Court directed that the objections be docketed in this case as well, and reviewed the objections in connection with the Magistrate’s Report. Upon entry of this Order, the Clerk should delete docket entry # 8 from Petitioner’s 11-3280 case, as it does not strictly pertain to that case.

Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. # 23). Respondent's Motion for Summary Judgment is therefore **GRANTED**. (Doc. # 14). Petitioner Praylow's Petition is **DENIED** and Petitioner Praylow's Motion to Transfer is terminated as moot. (Doc. # 11).

**IT IS SO ORDERED.**

s/Terry L. Wooten  
TERRY L. WOOTEN  
United States District Judge

February 8, 2012  
Florence, South Carolina